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WATER RIGHTS
SALT LAKE

2002 POT CREEK DISTRIBUTION MEETING

The annual meeting for the Pot Creek Distribution System was held on January 30, 2003 in the Commission Chambers of the State/County Building. The meeting convened at 11:15 a.m. conducted by Lee Sim of the Utah Division of Water Rights.

The following people were in attendance at the meeting:

<u>Name</u>	<u>Representing</u>
Lee Sim	Utah Division of Water Rights - SLC
John Larsen	Utah Division of Water Rights - SLC
Robert W. Leake	Utah Division of Water Rights
Andrew Dutson	Utah Division of Water Rights
Billie White	Utah Division of Water Rights
Bob Plaska	Colorado Division of Water Resources
Kathy Bower	Colorado Water Commissioner
Erin Light	Colorado Division of Water Resources
Michael L. McCarrell	Pot Creek Water Commissioner
Walt Donaldson	Division of Wildlife Resources
Max Rasmussen	Utah Water User
Milt Searle	Utah Water User

Lee Sim called the meeting to order and asked Billie White to read the minutes from the 2002 Annual Distribution Meeting. Max Rasmussen made a motion that the minutes be approved as read and Milt Searle seconded the motion. Motion carried.

Lee Sim presented the 2002 Financial Report. The balance to start 2003 is \$3,252.47 and there was still one delinquent account (Kellie Penrod). There is a decrease of about \$600. It was brought to Lee's attention that Line 10 in the amount of \$119.00 was listed again on Line 20 under "Amount Budgeted" of the 2002 Budget Expenditures, however, only Line 10 showed the amount expended. Lee also explained that the \$742.40 shown under Travel Expense was from 2001. Milt Searle made the motion to accept the Financial Report as presented with the omission of Line 20 and Max Rasmussen seconded the motion. Motion passed.

Mike McCarrell read his Commissioner's Report for 2002. Mike stated that at the beginning of the 2nd paragraph, that it should be April 15, 2002 instead of November 9, 2001. Walt Donaldson made a motion to accept the Commissioner's Report and Max Rasmussen seconded. Motion carried.

Mike stated that the Stream Channel Alteration permit had been approved and said that with everyone's approval, he will get the new flume installed at Matt Warner. He said that he could possibly get a pre-built ramp flume for approximately \$900 - \$1,000 and an estimated \$1,000 for installation. Erin Light, hydrologist for the Colorado Division of Water Resources suggested that railroad ties could be used to stabilize the ramp. Max Rasmussen suggested that Colorado provide us with a sketch so it could be reviewed. Walt Donaldson stated that DWR could assist with the flume financially and Max Rasmussen said that everyone can help financially so it doesn't bankrupt the budget. Max also

suggested that we have written permission to trespass on the Siddoway Property leased by Glade Holmes, where the flume will be installed. Max stated that the agreement could be made with the Pot Creek Water Users Distribution System. Walt Donaldson moved that they should go ahead with the project as planned and Max Rasmussen seconded the motion. Motion passed.

In reviewing the budget for 2002, Lee questioned whether Mike's salary should be raised. Mike suggested that it be left the same. Lee stated that there is \$3,353,47 in reserve and the present assessments are \$2,100.00. If everything is spent that is budgeted, then there will only be \$400.00 in reserve. Bob Plaska asked Lee on what basis were the assessments made. Lee stated that Colorado was assessed 20% off the top and the other 80% is based on a 5 yr. average of acre-ft. delivered to each water user. Max Rasmussen made a motion that the assessments remain at \$2,100.00 and Milt Searle seconded the motion. Motion passed.

Lee Sim advised that the directors for last year were Walt Donaldson, Max Rasmussen and Levi Smuin. Mike made a motion to retain the present directors and Max seconded. Motion passed.

Bob Plaska stated that priority rights should be established between the two states and that he would like to see a formal interstate compact updating and clarifying the existing Memorandum of Understanding signed in 1958. Bob Leake stated that the water rights in the 1958 MOU were amended by the adjudication decree signed in 1964. Bob Plaska also stated that it is virtually impossible for the Colorado Commissioner to get around on Pot Creek and he would like to see wording that the Utah Commissioner would have the authority to administer in both states. Mike stated that, historically, his authority ends at the Colorado State Line. Also, that there be language which clarifies accounting and formal procedures for disputes. In addition, it was suggested that an "Operation Manual" which would include operating instructions for the commissioners. Walt Donaldson stated that he would be adamantly opposed to any changes in priority of water rights or water delivery in any updated Memorandum of Understanding. Max Rasmussen stated that any Draft Memorandum of Understanding should be sent to all the users for review. Lee stated that both Utah and Colorado would have to agree and that the process will probably start at the State Engineer level or even the Governor level.

Meeting adjourned at 12:20 p.m.